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To: 'microsoft.atr(a)usdoj.gov'
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Mrs. Hesse,

I'm writing with regard to the inadequate proposed settlement for the Microsoft antitrust case. As a graphics artist & hobbyist programmer I work with computers, frankly quite constantly; as such I have been made painfully aware again and again of Microsoft's astonishingly monopolistic practices. But the fact that Microsoft is a monopoly isn't in question. The trouble, as I (and I think *many*) of my peers see it, is that the proposed remedy will do nothing to aid in the situation.

Let me describe a common situation. A year or so ago I bought a new laptop computer. The operating system I installed was one called BeOS (the CEO of the company which made BeOS, Jean Louis Gasse, testified in the trial). BeOS was exactly what I wanted from an operating system (reliable, easy to use, fast, modern, with concise developer documentation and well documented programming APIs) and as such I had no use or desire for windows. But, I had no choice, and had to pay at least 100 dollars (I can't recall how much now) for a Windows 2000 install cdrom which I didn't want, didn't use, and was forbidden from selling or using on another computer. It lies untouched in my closet.

Now, if you look at any (x86) computer manufacturer's product listing, all their computers come with windows. This is understandable, as most people prefer windows [this is a bit chicken-and-egg, as most people haven't had the opportunity to see what other operating systems are out there]. But we aren't given the option of buying the machine at reduced price without windows.

Our hands are tied here. Frankly, I have several windows install cdroms from various computers I've purchased over the years, none of which have ever been used -- as I installed my preferred OS's myself (Linux & BeOS). Specifically, I have a windows 3.11 install diskette package, a windows 95 cdrom, a windows 98 second edition cdrom and a windows 2000 cdrom. None of which have ever been wanted, asked for, or used; all of which I paid for. It seems reasonable to assume I've spent about 1000 dollars over the years for these disks.

[For reference, the BeOS operating system is no longer in existence, as no computer manufacturers were even *allowed* to preinstall it on their own hardware due to binding licensing agreements with Microsoft]

My next concern is the preponderance of closed protocols and proprietary behavior Microsoft is famous for. As we all know, most office work is done via the Microsoft Office suite of tools. The tools aren't bad, but as most people will agree, there *were* better suites out there, but all computers

now come with MS Office... regardless, we are dependant upon this suite, which puts MS in the position of no longer needing to provide high quality office/business products.

Just a few weeks ago, the email servers here at my office were brought down for several days fighting off the GONER email worm. As they were with the previous worm, and the previous worm before that one, and so on. This is a trait unique to Microsoft tools, in that MS apparently has zero interest in fixing the problem.

[For reference, again, when a bug is found in an open source product, like OpenSSH or Apache for example, it is fixed immediately. This is the nature and benefit of open protocols and peer review, something Microsoft labels as "anticompetitive".]

-- But why should Microsoft fix any problems? They already have our money, after all. Billions of dollars have been lost due to these virus outbreaks, and what is Microsoft's response? Apparently, instead of fixing bugs in their shoddy protocols, their response now is to threaten legal action on parties who *find* and make public weaknesses in their protocols. Microsoft's argument is that if these parties didn't make the bugs public, people wouldn't know or thereby take advantage of them.

Is this the behavior we want from the de-facto king of modern computing? I think it stands to reason that were Microsoft actually in competition with other companies, their behavior would be different -- e.g. they would quickly fix bugs and not attack legally those who find them.

As a staunch capitalist, I don't think America has any business breaking up Microsoft, and I'm glad that option was thrown out (as most folks agree, it would have probably actually been *good* for MS). What needs to be done is some action which doesn't unfairly hurt Microsoft, but *does* open the market up to fair competition.

Many wonderful companies with good ideas and great talent have been broken by the rich behemoth MS -- this can't go on. Microsoft can't be allowed to strong arm computer manufacturers. Microsoft can't be allowed to continue to develop closed internet protocols and document formats.

Thank you for your time,

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